IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 9819 of 2007(R)

PETITIONERS:

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1. A.O.SUNNY,
   RANGE OFFICER (UNDER SUSPENSION), MACHAD RANGE,
   THRISSUR.

2. P.K.DEVANANDAN,
   FORESTER, (UNDER SUSPENSION), ERUMUGHAM FOREST
   STATION, KODANAD RANGE.

3. N.N.SATHEESAN,
   FOREST GUARD, (UNDER SUSPENSION),
   VAZHANI FOREST STATION, MACHAD RANGE.

4. P.M.SEENA,
   FOREST GUARD (UNDER SUSPENSION),
   VAZHANI FOREST STATION, MACHAD RANGE.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   ITS SECRETARY TO GOVERNMENT, FOREST AND WILD
   LIFE DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DIRECTOR OF VIGILANCE,
   THIRUVANANTHAPURAM.

BY G.P. SRI BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO.9819 OF 2007

Dated this the 23rd day of March, 2007

J U D G M E N T

Petitioners were placed under suspension pending enquiry while they were working in the Forest Department. Ext.P1 is stated to be the order of suspension which was passed on January 12, 2006. It is not necessary to refer to the items of charge indicated in Ext.P1 for the purpose of disposal of this writ petition. Suffice it to say that the respondents have a contention that the charges were so serious that the Government was justified in issuing Ext.P1 order.

2. The grievance of the petitioners is that the suspension review committee has passed Ext.P4 order not only without a proper application of mind, but also in violation of the guidelines/instructions contained in Ext.P5 statement issued by the Personnel and Administrative Reforms (Advice-C) Department under the Government of Kerala. The learned counsel invites my attention to the specific stipulation in the circular which insists that all departments in the Secretariat/Heads of Department should ensure that the cases of all officers who are under suspension for more than six months are reviewed and decision taken on merits without prejudice to the disciplinary action, if any, initiated against them (emphasis supplied).

3. It is further provided in Ext.P5 circular that the departments

should ensure that if the suspension order is issued based on the recommendation of the Vigilance Department, the Vigilance Department is also consulted before reinstating the officers under suspension in service. It is the contention of the petitioners that the Vigilance Department had not been apparently consulted before issuing Ext.P4 order.

4. But it is pointed out by the learned Government Pleader that an officer from the vigilance is also a member of the suspension review committee and, therefore, it is not correct on the part of the petitioners to contend that the Vigilance Department was not consulted. However, it is not seen from Ext.P4 that the Vigilance Department was consulted or a report from the said department was obtained before Ext.P4 order was passed by the suspension review committee.

5. Having heard learned counsel for the petitioners and the learned Government Pleader and having perused the materials on record, I am satisfied that a further review is warranted in the case as early as possible. Learned Government Pleader submits that steps will be taken to ensure that the matter is reviewed again by the committee.

6. In the above facts and circumstances the writ petition is disposed of with a direction to the 1st respondent to ensure that a suspension review committee is constituted and convened for the purpose of review of the order of suspension passed against the petitioners as

expeditiously as possible, at any rate within four months from the date of receipt of a copy of this judgment. Respondent No.1 shall ensure that the stipulations/instructions in Ext.P5 circular and/or other relevant rules are complied with and a report of the Vigilance Department, if necessary, is obtained by the review committee before taking a decision. The petitioners shall produce a certified copy of this judgment along with a copy of the writ petition before the 1st respondent for compliance.

A.K. BASHEER, JUDGE

mt/-